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December 30, 2019

**VIA ECF**

Honorable LaShann DeArcy Hall  
U.S. Dist. Ct. - Eastern District of New York  
225 Cadman Plaza East  
Courtroom 4H North  
Brooklyn, New York 11201

**Re: *James Stewart v. Portfolio Recovery Associates, LLC*, No. 1:17-cv-04512-LDH-JO;  
1:17-cv-05066-LDH-JO, 1:17-cv-05120-LDH-JO, 1:17-cv-05617-LDH-JO**

Your Honor:

This firm represents Defendant Portfolio Recovery Associates, LLC ("PRA") in this consolidated matter. PRA respectfully requests the Court adjourn the January 6, 2020 pre-motion conference and enter an order directing Plaintiff to show cause why the Complaints in these matters should not be dismissed with prejudice **OR** granting summary judgment in favor of PRA on all claims in Plaintiff's Complaints.

Pursuant to Your Honor's October 16, 2019 Order and Scheduling Order, PRA timely filed its Letter Request for a Pre-Motion Conference to File Its Motion for Summary Judgment on November 7, 2019. Plaintiff did not respond, and on December 18, 2019, the Court ordered Plaintiff to file a response by December 20, 2019. On December 19, 2019, Plaintiff filed a letter which simply stated, "Plaintiff does not intend to oppose Defendant's motion."

Given Plaintiff's non-opposition to PRA's motion, PRA believes the pre-motion conference currently scheduled for January 6, 2020 at 11:30 a.m. is no longer necessary. In addition, undersigned counsel has a conflict which prevents him from attending the date provided by the Court. The undersigned has oral argument in Atlantic City on a summary judgment motion in New Jersey state court on January 6, 2020.

Accordingly, PRA respectfully requests the Court adjourn the conference and enter an order directing Plaintiff to show cause why the Complaints in these matters should not be dismissed with prejudice **OR** granting summary judgment in favor of PRA on all claims in Plaintiff's consolidated Complaints. Should the Court decide to proceed with the pre-motion conference following Plaintiff's response, undersigned counsel requests it be adjourned to a later date, such adjournment not to affect any other scheduled dates or deadlines in this matter.

PRA attempted to resolve this matter with Plaintiff prior to PRA's deadline to file its letter request for a pre-motion conference. Plaintiff failed to communicate with PRA in any meaningful way, necessitating PRA's letter request and supporting Local Rule 56.1 statement at significant expense. PRA's letter request and supporting Local Rule 56.1 statement demonstrate that all of the claims in Plaintiff's Complaints fail as a matter of law. Therefore, PRA is entitled to summary judgment and Plaintiff's Complaints should be dismissed with prejudice.

Further, in light of Plaintiff's stated non-opposition to PRA's motion, PRA believes any further action in this consolidated matter on the part of Plaintiff would necessarily be undertaken "in bad faith and for the purpose of harassment," for which this Court may award "attorney's fees reasonable in relation to the work expended and costs" incurred by PRA in further defense of this matter pursuant to 15 U.S.C. § 1692k(a)(3). PRA respectfully requests the Court consider and award such fees and costs in the event Plaintiff does not promptly dismiss with prejudice all claims in this consolidated matter.

We thank Your Honor for your time and consideration of this matter. If Your Honor has any questions or concerns regarding this letter, please do not hesitate to contact my office.

Respectfully submitted,

/s/ Stephen J. Steinlight  
Stephen J. Steinlight

CC: All Counsel of Record (via ECF)